

ORIGINAL

ILLINOIS
COMMERCE COMMISSION

OFFICIAL FILE

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

2003 JAN 21 P 3: 35

JO-CARROLL ENERGY, INC.,

Complainant,

vs

ALLIANT d/b/a INTERSTATE POWER
& LIGHT CO.,

Respondent.

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Case No. 02-0593

CHIEF CLERK'S OFFICE

AMENDED

COMPLAINT UNDER THE ELECTRIC SUPPLIER ACT

JO-CARROLL ENERGY, INC., Complainant (Jo-Carroll), by GROSBOLL,
BECKER, TICE & REIF, Jerry Tice of counsel, complaining of ALLIANT d/b/a
INTERSTATE POWER & LIGHT CO., Respondent, (Interstate) pursuant to the Illinois
Electric Supplier Act 220 ILCS 30/1 et seq and Section 8 and Section 6 thereof (2001 State Bar
Edition) (ESA), states as follows:

COUNT I

Jo-Carroll for a complaint against Interstate pursuant to Section 8 of the ESA states as
follows:

1. Jo-Carroll is an Illinois not-for-profit Corporation engaged in the furnishing and
distribution of electrical energy in the State of Illinois, including Jo Daviess and Carroll
Counties, Illinois.

2. Respondent Interstate is a public utility as defined in "An Act Concerning Public
Utilities", 220 ILCS 5/3-105, and is engaged in the furnishing and distribution of electrical
energy in Illinois, including Jo Daviess and Carroll Counties, Illinois.

3. Both Jo-Carroll and Interstate are electric suppliers as defined in 220 ILCS 30/3.5.

4. Jo-Carroll received a notice dated August 26, 2002 from Interstate stating that Interstate intends to serve the premises of Jamie Rowe on No. Indian Road, East Dubuque, Illinois, located on the East 70 acres of the North Half of Section 26, Township 29 North, Range 2 West, Menominee Township, Jo Daviess County, Illinois, a copy of such notice marked Exhibit 1, attached hereto and by reference incorporated herein, such notice being received by Jo-Carroll on August 27, 2002.

5. Jo-Carroll is entitled to provide the electrical service to the premises of the proposed customer pursuant to Section 8 of the ESA.

6. The electrical distribution lines of Jo-Carroll are adequate to provide such service and as they existed on July 2, 1965 are closer in proximity to the premises of the proposed customer proposed to be served than the electrical distribution lines of Interstate as they existed on July 2, 1965.

7. Jo-Carroll provided electrical service in this area before Interstate provided any electrical service and thus, Jo-Carroll was first furnishing service in the area.

8. Jo-Carroll has assisted in creating the demand for service in the area.

9. As between Jo-Carroll and Interstate, Jo-Carroll can provide such service with the smaller amount of additional investment.

WHEREFORE, Jo-Carroll requests the Commission to grant the following relief:

A. Give notice of the filing of this Complaint to Interstate herein and set this matter for hearing to provide both temporary and permanent relief to Jo-Carroll;

B. To enter a temporary and permanent order providing that Jo-Carroll should provide electrical service to the customer's premises;

C. To enter a temporary and permanent order prohibiting Interstate from providing electrical service in the territory designated by the ESA to be served by Jo-Carroll and specifically the premises of the customer.

D. Such other relief as the Commission deems appropriate.

COUNT II

Jo-Carroll complaining of Interstate pursuant to Section 6 of the ESA states as follows:

1. Jo-Carroll is an Illinois not-for-profit Corporation engaged in the furnishing and distribution of electrical energy in the State of Illinois, including Jo Daviess and Carroll Counties, Illinois.
2. Respondent Interstate is a public utility as defined in "An Act Concerning Public Utilities", 220 ILCS 5/3-105, and is engaged in the furnishing and distribution of electrical energy in Illinois, including Jo Daviess and Carroll Counties, Illinois.
3. Both Jo-Carroll and Interstate are electric suppliers as defined in 220 ILCS 30/3.5.
4. Jo-Carroll received a notice dated August 26, 2002 from Interstate stating that Interstate intends to serve the premises of Jamie Rowe on No. Indian Road, East Dubuque, Illinois, located on the East 70 acres of the North Half of Section 26, Township 29 North, Range 2 West, Menominee Township, Jo Daviess County, Illinois, a copy of such notice marked Exhibit 1, attached hereto and by reference incorporated herein, such notice being received by Jo-Carroll on August 27, 2002.
5. Jo-Carroll and Interstate on or about September 26, 1999 prepared a map of the Menominee Township, Jo-Daviess County, Illinois area by which Jo-Carroll and Interstate proposed to the respective territories/premises that each would service within the portion of Menominee Township identified on such map. A copy of such map is attached hereto as

Exhibit 2.

6. Pursuant to such map the properties north of the highlighted line would be served by Interstate and the properties lying south of the highlighted line on such map would be served by Jo-Carroll. Thereafter authorized representatives of Jo-Carroll to-wit: Connie M. Shireman, as President/CEO and Sam H. Haas, as Division Manager signed such map and by virtue thereof designated the territories that each of the respective electric suppliers would serve subject to approval of the Illinois Commerce Commission all as authorized by Section 6 of the Electric Supplier Act. Subsequent to September 26, 1996 each of the suppliers acted in reliance upon such map prepared on or about September 26, 1996 with respect to providing of electric service in the respective areas of Jo-Carroll and Interstate as evidenced by such map marked Exhibit 2 and by reference attached hereto in that Interstate extended electric service to a customer located on Interstate's side of the map territorial boundary line which customer was located in the North Half of Section 26, Township 29 North, Range 2 West, Menominee Township, Jo-Daviess County, Illinois and which customer otherwise would have been in closer proximity to the 1965 existing lines of Jo-Carroll than the 1965 existing lines of Interstate thereby authorizing Jo-Carroll to provide electric service to such customer but for the aforementioned territorial map.

7. The customer located on the east 70 acres of the North Half of Section 26, Township 29 North, Range 2 West, Menominee Township, Jo-Daviess County, Illinois and for which electric service is at issue in this docket is located on the Jo-Carroll side of the aforementioned territorial service line as evidenced by the map marked Exhibit 2 and therefore Jo-Carroll is entitled to provide the electric service to such customer should the Illinois Commerce Commission approve the division of territory by Jo-Carroll and Interstate as

evidenced by the map marked Exhibit 2 executed by the respective authorized agents of Jo-Carroll and Interstate on September 26, 1996.

8. Each of Jo-Carroll and Interstate had on July 2, 1965 and on September 26, 1996 and at the current time have existing electric facilities in certain portions of Townships 28 and 29, Range 1 West and Range 2 West of Menominee Township, Jo-Daviess County, Illinois. The purpose for which Jo-Carroll and Interstate agreed to designate their exclusive service territories on or about September 26, 1996 as evidenced by the maps attached hereto as Exhibit 2 was to avoid duplication of their respective electric facilities and to avoid disputes between Jo-Carroll and Interstate as to which of the two electric suppliers would be entitled to provide service in the area identified on the map attached hereto as Exhibit 2. At the time that such map and agreement were prepared, the assignment of exclusive service territories did not alter the provision of electric service to any then existing customers of either Jo-Carroll or Interstate and as such did not disturb any electric service arrangements by either electric suppliers to any of its customers.

9. The designation of exclusive service territories by Jo-Carroll and Interstate on or about September 26, 1996 was and is in the public interest for the reasons set forth herein and therefore the map designating exclusive service territories for Jo-Carroll and Interstate as evidenced by the map marked Exhibit 2 and attached hereto should be approved by the Illinois Commerce Commission and the respective territories assigned to each of Jo-Carroll and Interstate as their exclusive service territories approved.

10. In the event the Illinois Commerce Commission finds that such arrangement conforms with requirements of Section 6 of the Act and determines that such arrangement should be approved, then Jo-Carroll should be authorized to provide the electric service to the

customer in dispute in this docket for the reason that the customer whose premises are subject to the dispute of electric service herein are located in the territory designated by the map marked Exhibit 2 to be served by Jo-Carroll.

WHEREFORE, Jo-Carroll requests the Commission to grant the following relief:

A. To determine that the agreement as evidenced by the map marked Exhibit 2 attached to the Complaint which evidences the agreement between Jo-Carroll and Interstate to assign exclusive service territories as to the two electric suppliers and that such agreement should be approved in accordance with Section 6 of the Electric Supplier Act.

B. To determine that the electric service at issue in this docket is to premises located in the territory designated to be served by Jo-Carroll pursuant to the aforementioned agreement.

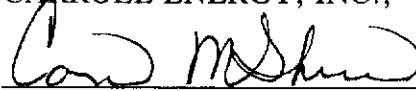
C. To enter a temporary and permanent Order providing that Jo-Carroll should provide electric service to the customers' premises.

D. To enter a temporary and permanent Order prohibiting Interstate from providing electric service in the territory designated by the Agreement and the ESA to be served by Jo-Carroll and specifically the premises of the customer at issue in this docket.

E. For such other and further relief as the Commission deems appropriate.

JO-CARROLL ENERGY, INC.,


By



Connie Shireman - President and
Chief Executive Officer

STATE OF ILLINOIS)
 : SS
COUNTY OF JO DAVIESS)

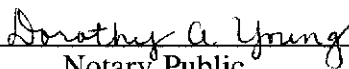
CONNIE SHIREMAN, being first duly sworn upon her oath, deposes and states that she is the President and Chief Executive Officer for Complainant, Jo-Carroll Energy, Inc. in the above entitled cause of action, that she has read the above and foregoing complaint by her subscribed and the same is true in substance and in fact.



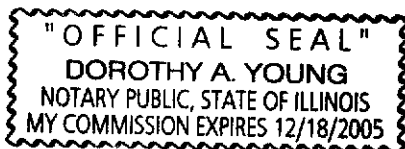
Connie Shireman

Subscribed and sworn to before me this

16th day of January, 2003.



Notary Public



GROSBOLL, BECKER, TICE & REIF
Attorney Jerry Tice
101 East Douglas Street
Petersburg, IL 62675
Telephone: 217/632-2282

PROOF OF SERVICE

I, JERRY TICE, hereby certify that on the 21st day of January, 2003, I deposited in the United States mail at the post office at Petersburg, Illinois, postage fully paid, a copy of the document attached hereto and incorporated herein, addressed to the following persons at the addresses set opposite their names:

Michael Wallace
Administrative Law Judge
Illinois Commerce Commission
527 E. Capitol
Springfield, IL 62701-1827

Leslie Recht
Defress & Fiske
200 S. Michigan Ave.
Suite 100
Chicago, IL 60604

Jerry Tice